IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6618 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DIVISIONAL CONTROLLER

Versus

GOVINDBHAI RAMABHAI BHOI

Appearance:

MR KM PARIKH for Petitioner

MR GK RATHOD for Respondent

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 20/01/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the respective parties. On joint request of learned counsel, the matter is taken up for final hearing today.

#. I have perused the impugned judgment and award, and

perused such evidentiary material on record to which my attention has been drawn. Ultimately, the question is of the punishment imposed by the disciplinary authority, as reduced by the Labour Court. The Labour Court has directed reinstatement with continuity of service without back wages, and with stoppage of one increment with cumulative effect. It is this punishment which under discussion before me today.

#. As a result of the hearing and discussion, I inquired of both the learned counsel as to whether they could suggest some other punishment being somewhat higher punishment than the one imposed by the Labour Court which is under challenge in the present petition. As a result of this discussion, both the learned counsel have gracefully accepted the suggestion of this Court and have agreed that instead of stoppage of one increment with permanent effect, imposing punishment of stoppage of two increment with permanent effect would meet the ends of justice.

#. It is accordingly directed that the respondent workman shall be entitled to reinstatement without any backwages and shall also suffer stoppage of two increments with permanent effect. Accordingly, the impugned judgment and award stands modified only to the aforesaid extent.

#. This petition is therefore allowed to the aforesaid extent. Rule is made partly absolute with no order as to costs. Direct service permitted.
fs
*****
pirzada/-